

REMARKS/ARGUMENTS

Claims 21-25, 28-34 and 37-51 are pending. Claims 1-20, 26 and 35 were previously cancelled. No admission or representation is made by the present argument other than that explicitly provided herein.

Claim Amendments

Independent claim 21 has been amended to recite “in response to a user selection of the respective application icon, displaying a first preview, the preview not being displayed prior to the user selection” and “a subsequent second preview is displayed, in response to a subsequent user selection.” Support for these amendments can be found in former claim 27 and at least in paragraph [0050] of the description.

Independent claim 33 has been amended similar to claim 1 and finds at least the same support.

Claims 27 and 36 have been cancelled and the dependencies of claims 28, 37, 46 and 51 have been amended accordingly.

Claims 31, 32 and 41 have been amended to agree with the amendments to the independent claims.

Claims 46 and 51 have been amended to recite “user selection,” in agreement with the independent claims. Claims 46 and 51 have been further amended to recite a “brief delay,” support for which can be found at least in paragraph [0050] of the description.

Claim 51 has been further amended to correctly recite “The GUI.”

Claim Rejections - 35 U.S.C. 112

The Examiner has rejected claim 51 as reciting a “method,” which has insufficient antecedent basis. Claim 51 has been corrected to recite a “GUI.”

Claim Rejections - 35 U.S.C. 102

Claims 21-25, 27-30, 33-34, 36-39, 43, 45, 46, 48, 50 and 51 stand rejected under 35 U.S.C. 102(e) having regard to U.S. Patent Publication No. 2004/0155908 to Wagner (hereinafter, “Wagner”). The Applicant respectfully disagrees for at least the reasons provided below.

Independent claim 21 recites: “in response to a user selection of the respective application icon, displaying a first preview, the preview not being displayed prior to the user selection.” This feature corresponds to former claim 27, however the formerly recited “user action” has been specified to “user selection.” Claim 21 also clarifies that the preview is not displayed until the user selects the application icon. That is, while the application icon is displayed in the application portion from the start, there is no preview shown for any of the application icons initially. Only after the user selects one of the application icons is a preview displayed for the selected application icon. Similar features are recited in independent claim 33. The remaining claims are dependent on the independent claims and therefore also include at least these features.

With regards to former claim 27, the Examiner had cited paragraphs [0065], [0054] and [0059] of Wagner as teaching displaying the first preview responsive to a user action. The Applicant submits at least the feature now recited in claim 21 is not taught or suggested by Wagner.

The Examiner equates the label “Tech markets boom” as shown in figure 8A of Wagner with the presently claimed preview. However, as described in paragraph [0059] of Wagner, this is an icon label, which is merely text appended to an icon for identifying the icon, and is not a preview of a content of a new event associated in respect of an application. A preview in the sense of the present application includes the content of a new event, for example a portion of the text of a newly-arrived email. In contrast, a label describes the icon, or at best provides notification of a new event, but does not include the content of the new event. For example, in figure 8A of Wagner, other labels include “4 Messages” and “10 am Johnson,” both of which describe an event, but do not display

any content of the event, such as the content of the 4 messages or the content of meeting notes for the scheduled meeting with Johnson.

Because the icon labels of Wagner are not equivalent to the previews of the present claims, Wagner also fails to teach or suggest the claimed feature of “wherein the first preview persists on the main screen when a subsequent second preview is displayed, in response to a subsequent user selection, for a subsequent event.” Even if the label “Tech markets boom” were to be considered a first preview, which the Applicant disagrees with, there is no second preview shown in figure 8A. As explained above, none of the other icon labels provide a second preview, since none of the other icon labels provide any content of an event. Thus Wagner fails to teach or suggest at least this feature, and this failure is further evidence that the labels of Wagner are not equivalent to the first and second previews of the present claims.

Even if the label of Wagner were considered equivalent to the preview of the present claims, Wagner does not teach or suggest displaying the label in the manner required by the present claims. In Wagner, service icons are displayed in an arrangement according to the user’s usage patterns. Thus, repeated selection of a news service over time results in the news service icon being automatically displayed in a more prominent position, with an icon label, such as “Tech Markets Boom,” being already displayed in association with the news service icon. In contrast, in the present claims, the preview is not displayed prior to a user selection, and is only displayed for the selected application icon in response to a user selection of that application icon. This avoids cluttering the display with numerous previews for events in applications that the user may have no interest in, which may be useful for a device having a small display, as in the present application.

Further, the service icons and icon labels in Wagner do not respond to a user selection in the manner of the present application. According to Wagner, multiple selection of an icon is processed over time to detect a user’s usage pattern, and only then are the service icons accordingly displayed, with their associated icon labels. In contrast, as shown in figure 6 of the present application and described in paragraph [0050], the

claimed method and GUI is directly responsive to a user selection of an application icon. Paragraph [0050] states: “Upon selection of icon 306...a message preview 604 of at least a portion of the unread message is displayed.” There is no analysis of a user’s usage pattern required to display the presently claimed preview, in clear contrast to Wagner. This is because while Wagner is concerned with organizing service icons according to the user’s long-term usage pattern, the present application is concerned with simply providing information to the user directly in response to the user’s single selection.

In view of the foregoing arguments, the Applicant submits that Wagner fails to teach or suggest all the features of the present claims. The present claims are therefore all patentable over Wagner for at least these reasons.

The dependent claims recite further features that are not taught or suggested by Wagner.

Claims 28 and 37 recite the feature of “visually modifying the icon to include a dialog box over a portion of the main screen.” The Examiner cites figure 8A of Wagner as teaching a dialog box, noting that the news service icon and its label are displayed in a box. However, this is not a dialog box as would be understood by a person skilled in the art. A dialog box is a temporary window that appears over the main screen, which displays information to the user or requests a user response. In contrast, the box shown in figure 8A is a selection highlight of the icon, as described in paragraph [0088] of Wagner, and is not a dialog box that is displayed over the main screen. Therefore, claims 28 and 37 are patentable over Wagner for at least this further reason.

Claims 46 and 51 recite the feature of “a brief delay before displaying the first preview in response to the user selection.” A person skilled in the art would understand that what is meant by a brief delay is simply a short pause, at most a few seconds, between selection of the application icon and display of the preview, such as described in paragraph [0050] of the present description. Wagner, in contrast, requires a lengthy process, charting a user’s usage pattern over days, in order for the system to analysis the selections and from there detect a user’s usage patterns. This lengthy process clearly is

not a brief delay as required in claims 46 and 51 and as understood by a person skilled in the art. Therefore, claims 46 and 51 are patentable over Wagner for at least this further reason.

For at least the above reasons, Wagner fails to teach or suggest all the features of the present claims. The Applicant therefore submits that the present claims are all patentable over Wagner. The Examiner is respectfully asked to withdraw this rejection.

Claims Rejections - 35 U.S.C. 103

Claims 31, 32, 40, 41, 44 and 49 stand rejected under 35 U.S.C. 103(a) having regard to Wagner. The Applicant respectfully disagrees for at least the reasons provided below.

As explained above, Wagner fails to teach or suggest all the features of the independent claims. Claims 31, 32, 40, 41, 44 and 49 are dependent on the independent claims and therefore also include features not taught or suggested by Wagner. For at least this reason, Claims 31, 32, 40, 41, 44 and 49 are all patentable over Wagner.

Claims 32 and 41 also recite additional features not taught or suggested by Wagner. Claim 32 recites the feature of “displaying a preview of a content of each of the plurality of new events.” Similarly, claim 41 recites the feature of “the icon modifying component is configured to display a preview of a content of each new event in the plurality of new events.” The Examiner admits that the feature of displaying a preview of a content of a plurality of new events is not taught by Wagner.

The Examiner alleges that “it would have been obvious to display an indication that a response had been sent or to display a headline for each new article that is received by the news application.” The Examiner alleges that a person skilled in the art would have been motivated to modify the teachings of Wagner in the manner suggested “in order to remind the user that 1) a movie invite has been sent and, 2) to indicate to the user that he should respond if he has not yet responded and to remind the user that he has responded, thereby improving the operation and functionality of Wagner.”

The Examiner appears to have misinterpreted the claimed “preview.” As required by the independent claims, a preview includes “a content of the new event.” That is, the preview is not simply a notification or a description of the new event, but provides the actual content of the event. In the case of a movie invite, for example, a preview of the content of a response to the invite may include the text of the response. In contrast, “an indication that a response had been sent” is simply an indication of the current state of a service, and is not a preview of a content of a new event. Similarly, a reminder that “a movie invite has been sent” and “to indicate to the user that he should respond” are simply reminders of the current state of a service - in this, case an unresponded state - and does not provide any preview of a content of a new event.

As such, the Applicant submits that a clear reasoning or motivation for the finding of obviousness has not been shown. There is no reason for a person skilled in the art to make the modification suggested. Indeed, displaying a headline for each new article that is received by the news application, as suggested by the Examiner, would make the icon label of Wagner extremely long, obscuring the majority of the display. This result clearly goes against the aim of Wagner, which is to provide an easy and intuitive user experience on a mobile device. A person skilled in the art would have no reason or motivation to modify the teachings of Wagner in the manner suggested, and in fact would understand that such a modification goes against the teachings of Wagner. Therefore, claims 32 and 41 are patentable over Wagner for at least this further reason.

Claims 42 and 47 stand rejected under 35 U.S.C. 103(a) having regard to Wagner in view of U.S. Patent Publication No. 2002/0035613 to Hirayama (hereinafter “Hirayama”). The Applicant respectfully disagrees for at least the reasons provided below.

The Examiner admits that Wagner does not teach a status portion for displaying wireless communication device status information, but relies on a combination with Hirayama to arrive at this feature. However, Hirayama does not remedy all the above-identified failings of Wagner.

Hirayama does not teach or suggest the features of “in response to a user selection of the respective application icon, displaying a first preview of a content of the new event, the first preview not being displayed prior to the user selection” and “wherein the first preview persists on the main screen when a subsequent second preview is displayed, in response to a subsequent user selection, for a subsequent event,” as required in the independent claims. In fact, Hirayama is not at all concerned with visually modifying application icons in response to a new event, let alone provide any information, such as a preview, of the new event. As explained above, Wagner also fails to teach or suggest at least these features of the independent claims. Therefore, a combination of Wagner and Hirayama fails to arrive at all the features of the independent claims.

Claims 42 and 47 are dependent on independent claims 21 and 33, respectively, and also include all the features of the independent claims. Therefore, claims 42 and 47 include features not taught or suggested by the combination of Wagner and Hirayama, and are patentable over Wagner and Hirayama for at least this reason. The Examiner is respectfully asked to withdraw this rejection.

Conclusion

It is believed that the Applicant has responded to each ground of rejection raised by the Examiner, and that for at least the reasons cited above the claims, as presented, are in condition for immediate allowance. Favourable reconsideration and allowance of the application are respectfully requested. Should the Examiner have any questions in connection with the Applicant's submissions, please contact the undersigned.

Applicant believes that no further fees are due in connection with the filing of this paper. In the event that the office determines that any further fee is due, Appellant requests that such fee be charged to its Deposit Account No. 195113.

Respectfully submitted,

OGILVY RENAULT LLP

Date: December 21, 2009

By: /cyw/
Christine Wong
Registration No. 62,935
Tel: (416) 216-1874
Fax: (416) 216-3930

OGILVY RENAULT LLP
Suite 3800, Royal Bank Plaza, South Tower
200 Bay Street, P.O. Box 84
Toronto, ON M5J 2Z4
Canada